

CHAPTER NO. 737

HOUSE BILL NO. 3303

By Representatives Davidson, McDaniel

Substituted for: Senate Bill No. 3301

By Senators Womack, Rochelle, Atchley, McNally, Williams

AN ACT to amend Tennessee Code Annotated, Titles 4, 9, 12 and 49 relative to education accountability and the expenditure of funds for public education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-15-102, is amended by adding the following new section:

Whenever the Commissioner of Education is authorized by the State Board of Education to take responsibility for the operation of any local school system or school that has been placed on probation pursuant to Title 49, Chapter 1, Part 6, the State Building Commission shall have the same authority granted by this chapter relative to state agencies for all expenditures of educational capital outlay funds for such local school system or school.

SECTION 2. Tennessee Code Annotated, Title 9, Chapter 21, is amended by adding the following new section:

Whenever the Commissioner of Education is authorized by the State Board of Education to take responsibility for the operation of any local school system or school that has been placed on probation pursuant to Title 49, Chapter 1, Part 6, the State acting under the authority of the State Building Commission may issue debt necessary to fund school building improvements, demolition or new construction as approved by the Commissioner and the State Board of Education. Such debt may be required to be repaid from any funds available to such local school system.

SECTION 3. Tennessee Code Annotated, Title 12, is amended by adding the following new section:

Whenever the Commissioner of Education is authorized by the State Board of Education to take responsibility for the operation of any local school system or school that has been placed on probation pursuant to Title 49, Chapter 1, Part 6, the Commissioner of Education or agents duly appointed by the Commissioner to operate said local school system or school shall have all powers authorized by this title and necessary to the operation of said school or local education agency.

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 1, Part 6, is amended by adding the following new section:

The Commissioner shall make periodic reports to the State Board and to the Education Oversight Committee of the General Assembly on the progress of any local school system or school placed on probation. Whenever it appears to the Commissioner that a local school system or school placed on probation pursuant to § 49-1-602 is not taking action necessary to resolve the deficiencies

identified in any report or study of such system or school, the Commissioner may with the approval of the State Board order the removal of some or all of the members of the local board and the superintendent and appoint an agent to direct all operations of the system. Before the removal or appointment functions are exercised, the Commissioner shall also appear before the select oversight committee on education, which shall convene at the Commissioner's request for that purpose, and present the reasons for the proposed actions. The committee may either endorse or refuse to endorse the proposed actions. Such agent shall have all authority and powers previously vested in the local board and superintendent and such other powers as may be granted by law or regulation.

SECTION 5. Tennessee Code Annotated, §49-3-311(b)(9)(A), is amended by substituting the punctuation at the end of subsection (iii) for “;or” and by adding the following language and punctuation as a new subsection (iv): “Where the LEA or system is on probation pursuant to §49-1-602, recommended by the Commissioner and approved by the State Board of Education.

SECTION 6. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following new section:

(a) Whenever the Commissioner of Education is authorized by the State Board of Education to take responsibility for the operation of any local school system or school that has been placed on probation pursuant to §49-1-602, the State acting under the authority of the State Building Commission may require the County Legislative Body to appropriate and expend funds necessary to fund school building improvements, demolition or new construction as approved by the Commissioner and the State Board of Education pursuant to Title 49, Chapter 3, Part 1.

(b) Notwithstanding the provision of subsection (a), before the State Building Commission can take any such action, the Commissioner shall give the appropriate Legislative Body or Special School District Board written notice that action may be taken at least ninety (90) days prior to any such action by the commission. If, before expiration of said period, the Legislative Body shall adopt and submit a plan for building improvements, demolition or new construction and the funding thereof that is acceptable to the Commissioner, then the provisions of subsection (a) shall not apply. However, if the plan is not acceptable to the Commissioner, no further notice need be given.

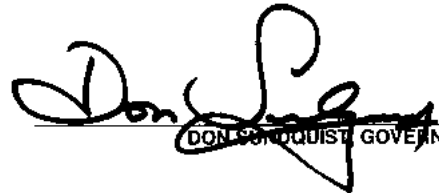
SECTION 7. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: March 30, 1998


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 8th day of April 1998


DON SNOGRASS, GOVERNOR